

BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY FOR RULE ADOPTION

AGENDA # II. A. 3.

AGENDA ITEM SUMMARY The Water Protection Bureau requests that the Board amend existing MPDES rules to accommodate the new subchapter on storm water permitting.

LIST OF AFFECTED RULES

As a part of MPDES program rules in sub-chapter 13, amendment of ARM 13.30.1301, 1303, 1304, 1322, 1323, 1341, 1351 and 1361 and repeal of ARM 17.30.1332.

AFFECTED PARTIES SUMMARY These rules would affect all contractors or others that disturb one acre of land or more as a result of construction activities, industries with federal classification codes as industries requiring permits for storm water and public entities required to obtain permits for Municipal Separate Storm Sewer Systems.

SCOPE OF PROPOSED PROCEEDING The Department is requesting adoption of rulemaking and hearings officer's report with responses to comment.

BACKGROUND The Water Protection Bureau has been working to update rules for the operation of the storm water program and to incorporate the latest federal rulemaking on Phase II of the national storm water program. This rulemaking is a companion to ACTION AGENDA ITEM II.A.2. and has been a part of all the efforts to involve interested parties and stakeholders. The EPA has conducted an initial review of the proposed rules and provided comment. These proposed regulations have been presented and discussed with the Water Pollution Control Advisory Council.

HEARING INFORMATION A hearing was conducted November 18, 2002 by hearing examiner Thomas Bowe.

BOARD OPTIONS The Board may:

1. Adopt the rulemaking, hearing officer's report and responses to comment;
2. Adopt the rulemaking and hearing officer's report with modifications; or
3. Not adopt the rulemaking and hearing officer's report.

DEQ RECOMMENDATION The Department recommends adoption of the rulemaking and hearings officer report.

ENCLOSURES Notice of Public Hearing on Proposed Amendment
Hearing Examiner Report provided with Agenda Item No. II.A.2.
Draft Notice of Amendment